

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 10, 2003

Handbook Package #1202-33

CDSS MANUAL LETTER NO. EAS-02-06

TO: HOLDERS OF THE EAS MANUAL, DIVISION 89

Handbook Package #1202-06**Effective 9/1/02****Section 89-110**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/Eligibilit_617.htm.

These revisions revise MPP Handbook Section 89-110, Maximum Aid Payment (MAP) Level and MAP Restrictions, with updated examples of Exempt and Nonexempt Aus. These revisions reflect the CalWORKs MAP regulations that were implemented January 1, 1998.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing EAS changes was EAS-02-05.

Page(s)Replace(s)

926 through 931

Pages 926 through 931

Attachments

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89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION	89-110
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| .283 | Transition From Application | For the month of beginning date of aid, and for the three subsequent months, when the month of beginning date of aid and subsequent month are prospectively budgeted, the CWD shall use the MAP corresponding to the actual AU exemption status existing in the month. |
| .29 | Change in Status | Except as specified in Section 89-110.283, when the AU status changes between Exempt and Nonexempt, the CWD shall change the MAP effective for the payment month when the first month of the new status is the budget month. |

HANDBOOK BEGINS HERE

.3 Examples of Exempt and Nonexempt AUs, Financial Eligibility Determination, and Grant Calculation

.31 Examples of Exempt and Nonexempt AUs

Example 1 – Exempt AU – Receipt of SDI and SSI/SSP

The family consists of two parents and their two children with eligibility based upon incapacity. One parent receives SDI and the second parent receives SSI/SSP. Since each parent receives one of the benefits specified in Section 89-110.22, the CWD uses the Exempt MAP.

Example 2 – Exempt AU – Disabled Pregnant Woman Only (PWO)

Because a pregnant woman is the only member of her AU and receives one of the benefits specified in 89-110.22, the CWD uses the Exempt MAP.

Example 3 – Nonexempt AU – Receipt of Private Disability Insurance

The AU consists of a parent and his aided child. The parent receives private insurance benefits from his employer; however, this income is not one of the benefits specified in Section 89-110.22 and the parent does not meet any other criterion to receive an exemption. The CWD uses the Nonexempt MAP.

HANDBOOK CONTINUES

89-110 (Cont.)	DEMONSTRATION PROJECTS APDP AND CWPDP	Regulations
89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION (Continued)	89-110

HANDBOOK CONTINUES

Example 4 – Exempt AU – Unaided Non-Parent Caretaker Relative

An aunt is receiving aid for her nephew. The AU consists of the child only. The CWD uses the Exempt MAP as the aunt meets the exemption in 89-110.23; she is an unaided non-parent caretaker relative.

Example 5 – Nonexempt AU – Parent with SSI/SSP Child

The AU consists of a mother and her child, who receives SSI/SSP. The mother does not receive one of the benefits specified in Section 89-110.22 or meet any other criterion to receive an exemption. Because the parent in the AU must meet the criteria in Section 89-110.21 and .22, the CWD uses the Nonexempt MAP.

Example 5a – Exempt AU – SSI/SSP Parent with Child.

The AU consists of a father who receives SSI/SSP and his child. The father receives one of the benefits in Section 89-0110.22. The CWD uses the Exempt MAP.

Example 6 – Nonexempt AU – Minor Parent

The AU consists of a senior parent and her children. One of the senior parent's children is a 17-year-old minor parent. The minor parent's child is also in the AU. The senior parent receives SDI. The minor parent aided as an eligible child in the senior parent's case is considered to be a parent as specified in Section 89-110.251. The minor parent does not receive one of the benefits specified in Section 89-110.22 or meet any other criterion to receive an exemption. Because both senior parent and minor parent are considered parents in determining exempt status, and all parents in an AU must receive one of the benefits in Section 89-110.22, the CWD uses the Nonexempt MAP

Example 7 – Nonexempt AU – Aided Stepparent

The AU consists of a father, the father's children, and an aided stepmother. The stepmother is pregnant, but she is not the parent or caretaker relative of any of the aided children. The father receives temporary workers compensation (TWC). The aided stepmother does not receive one of the benefits specified in Section 89-110.22 or meet any other criterion to receive an exemption. The CWD uses the Nonexempt MAP as both the parent and the aided stepmother must meet an exemption as required by Section 89-110.211.

HANDBOOK CONTINUES

89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION	89-110
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(Continued)

HANDBOOK CONTINUES

Example 8 – Exempt AU – Unaided Stepparent

The family consists of a mother, the mother's children and an unaided stepfather. The mother receives SSI/SSP and is not in the AU. The stepfather, who is not the parent of any of the aided children, is unaided; therefore, he is not considered in determining the AU's exemption status. The CWD uses the Exempt MAP.

Example 9 – Nonexempt AU – Undocumented Immigrant Father

The family consists of a mother, the mother's children, and the father, who is an undocumented immigrant. Eligibility is based on unemployment. The mother receives SDI. The father does not receive one of the benefits specified in Section 89-110.22 or meet any other exemption criterion. The CWD uses the Nonexempt MAP, as each parent must meet one of the criterion to receive an exemption even if they are not aided due to exclusion.

Example 10 – Request for Review of AU Status by the AU

The AU consists of two parents and their two children, with deprivation based on unemployment. The AU receives the Nonexempt MAP. In June, the father requests a review of the AU status, as he has been determined to be exempt from welfare-to-work participation due to disability as specified in Section 42-712.44. The wife's application for IHSS was denied and she does not meet any other criterion for an exemption. Since both the father and the mother must receive one of the benefits specified in Section 89-110.22 or meet one other criterion to receive an exemption, the CWD uses the Nonexempt MAP.

.32 Determining Financial Eligibility

Example 11 – Determining Status in the Month of Application

An initial application is made January 4 for an AU consisting of a father and two children. The father receives SSI/SSP at application. The SSI/SSP ends on February 28. Because eligibility is always determined concurrently, the CWD uses the Exempt MAP to determine financial eligibility for January and February and the Nonexempt MAP for March.

HANDBOOK CONTINUES

89-110 (Cont.)	DEMONSTRATION PROJECTS APDP AND CWPDP	Regulations
89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION (Continued)	89-110

HANDBOOK CONTINUES

Example 12 – Determining Status for Recipients

The recipient began receiving SDI on January 5. The recipient reported the income timely and provides proof of the income. Based on these facts, the recipient's status changed to Exempt effective as of the month of February. Because eligibility is always determined concurrently, and assuming the recipient continues to receive SDI during these months, the CWD should use exempt MAP to determine financial eligibility for February, March, and following months until the recipient's status changes.

Example 13 – The AU Changes from Nonexempt to Exempt to Nonexempt MAP

An AU consists of a mother and her child. The mother begins receiving SDI on March 15 and the SDI ends on April 22. To determine financial eligibility, the CWD uses the Nonexempt MAP for March because the mother began receiving the SDI after the first of the month, Exempt MAP for April because she was eligible for the Exempt MAP on the first of the month, and Nonexempt MAP for May and all subsequent months because she did not receive SDI benefits in those months.

.33 Calculating the Grant

Example 14– Transition to Retrospective - Budgeting Continuous Status

Aid is effective July 12 for an AU consisting of a father and his child. The father reports that he is receiving TDI at application but it is expected to end on October 5; he is not expected to get any of the other benefits specified in Section 89-110.22. The CWD uses the exempt status for the prospectively budgeted months of July and August. The father confirms that his TDI ended in October. The exempt MAP status will be used for the corresponding budgeted months for November and December. The CWD will begin to use the nonexempt MAP for the January grant payment.

HANDBOOK CONTINUES

89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION	89-110
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HANDBOOK CONTINUES

Example 15 – Late Discovery Due to Client’s Failure to Timely Report

The AU consists of a parent and his child. The father starts receiving SDI in June but does not report the income to the CWD until November. The father provides verification of this income in November and requests review of his status. The first month of Exempt status is November, since MPP Section 89-110.271 provides that the status change shall not be effective for any months prior to a request for review when the status change results from a request for review. Because the AU is already in retrospective budgeting, the CWD provides the AU with the appropriate notice of action and begins to use the Exempt MAP for January, the payment month that corresponds to the budget month that reflects the father’s new status.

Example 16 – Late Discovery Due to Administrative Error

The AU consists of a parent and her child. The AU is in retrospective budgeting. The parent begins receiving TWC on May 6; she reports the income and provides verification on the Monthly Report for May. The CWD did not begin using the income or the appropriate Exempt MAP for the August payment month due to administrative error. In November, the CWD conducts an annual redetermination and discovers the error. At that time, the parent requests review of the AU status. The change in the AU’s status should have been known to the CWD based on the timely submitted monthly eligibility report (CW 7), rather than solely on the parent's request for review. The CWD acts to process the case based on the actual report of income and to recompute the grant for overpayment or underpayment purposes. The CWD provides the AU with the appropriate notice of action and begins to use the Exempt MAP for August, the payment month that corresponds to the budget month that reflects the status change.

Example 17 – Initial Application – Prospective Budgeting – Change to Exempt

An initial application is made June 10 for an AU consisting of a parent and his child. June and July are the AU’s prospectively budgeted months. On June 14 the parent begins receiving TWC. The applicant reports timely and provides proof of the income to the CWD. The CWD provides the AU with the appropriate notice of action and shall use the Exempt MAP for the June payment month.

HANDBOOK CONTINUES

89-110 (Cont.)	DEMONSTRATION PROJECTS APDP AND CWPDP	Regulations
89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION (Continued)	89-110

HANDBOOK CONTINUES

Example 18 – Determining the Month of Change when The Family Is In Retrospective Budgeting

A family with a nonneedy caretaker relative gets Exempt MAP. The father joins the AU in mid-November. He does not receive one of the benefits specified in Section 89-110.22 or meet any other criterion to receive an exemption. The AU is in retrospective budgeting. The AU's Exempt status ends on November 30. However, since the father joined the AU in November, after the first of the month, the AU is entitled to the Exempt MAP for December and January, based on the AU's Exempt status for the budget months of October and November. The CWD will use the Nonexempt MAP for February, the payment month that corresponds to the budget month that reflects the status change (December). Except as specified in Section 89-110.283 [regarding beginning date of aid and prospective budgeting], when the AU status changes between Exempt and Nonexempt, the CWD shall change the MAP effective for the payment that corresponds to the budget month that reflects the status change.

Example 19 – Transition from Application – Retrospective Budgeting

An initial application is made July 12 for an AU consisting of a parent and her children. The parent receives TWC at application. July and August are the prospectively budgeted months. September and October are the corresponding two retrospectively budgeted months. The TWC ends in September. The CWD uses the Exempt MAP for July, August, and September and the Nonexempt MAP for October, corresponding to the actual AU status existing in each of these months as specified in Section 89-110.283. Exempt MAP is used for November (because the AU received Exempt MAP in September) and Nonexempt MAP for December (because the AU had Nonexempt MAP in October). Additionally, Nonexempt MAP is used for all months after December, corresponding to the AU status in the budget month as specified in Section 89-110.29.

Example 20 – Timely Discovery – Nonexempt to Exempt

The AU consists of a father and his son and the AU is getting the Nonexempt MAP. The AU is in retrospective budgeting. The father reports and verifies that he started getting SSI/SSP on November 15 on the Monthly Report for November. The Nonexempt MAP continues for December and January based on the Nonexempt status for the months of October and November. The father's status change becomes effective December 1. The CWD provides the AU with the appropriate notice of action and begins to use the Exempt MAP for February, the payment month that corresponds to the budget month that reflects the status change.

HANDBOOK CONTINUES

89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION	89-110
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HANDBOOK CONTINUES

Example 21 - CalWORKs Welfare to Work (WTW) Sanction – Nonexempt to Exempt

The AU consists of one parent and two aided children. The AU receives Nonexempt MAP. The AU is in retrospective budgeting. On January 1, the parent started a six-month sanction period for non-cooperation with the CalWORKs WTW requirements. On the Monthly Report for February, the parent reported and verified that he started to receive SDI on February 15. The change in the AU's status from Nonexempt to Exempt MAP is effective March 1. The parent's WTW sanction has no impact on Exempt/Nonexempt MAP status. Therefore, since the AU was already using retrospective budgeting, the Nonexempt MAP continues for March and April based on the Nonexempt status in January and February. The CWD provides the AU with the appropriate notice of action and begins to use the Exempt MAP for May, the payment month that corresponds to the budget month that reflects the status change.

Example 22 - Add A Person – Nonexempt to Exempt

An existing AU consists of a parent and her child. The parent does not meet any exemption criterion specified in Section 89-110.2 and the CWD is using the Nonexempt MAP. The AU is in retrospective budgeting. On June 10, that parent (mother) reports and verifies receipt of SSI/SSP. On June 12, the second parent joins the home. The second parent receives TDI benefits and is added to the AU effective June 12 using the current Nonexempt MAP. Since each parent meets the exemption criterion, the CWD provides the AU with the appropriate notice of action and begins to use the Exempt MAP for September, the payment month that corresponds to the budget month (July) that reflects the status change.

Example 23 – Add A Person – Exempt to Nonexempt

The AU consists of a grandmother and her two aided grandchildren. The grandmother receives TWC. The mother and father, who are unemployed, move back into the home in March. Neither parent receives one of the benefits specified in Section 89-110.22 or meets any other criterion to receive an exemption. Since the AU was already using retrospective budgeting, the Exempt MAP continues for April and May based on the Exempt status for February and March. The CWD provides the AU with the appropriate notice of action and begins to use the Nonexempt MAP in June, the payment month that corresponds to the budget month (April) that reflects the status change.

HANDBOOK CONTINUES

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89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION	89-110
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HANDBOOK CONTINUES

Example 24 – Delete A Person – Exempt to Nonexempt

A family consists of two parents and their child with deprivation based on incapacitated parent. One parent receives SSI/SSP and is not in the AU; the second parent, who is in the AU, receives SDI. The AU is in retrospective budgeting and the CWD is using the Exempt MAP. In June, the parent who receives SSI/SSP leaves the home and the second parent's SDI ends. The needs and income of the parent who left are not used for July and continuing. However, since the AU was already using retrospective budgeting, the Exempt MAP continues for July and August based on the Exempt status for May and June. The CWD provides the AU with the appropriate notice of action and begins to use the Nonexempt MAP for September, the payment month that corresponds to the budget month (July) that reflects the status change.

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.4 Relocation Family Grant

IN ACCORDANCE WITH THE GREEN V. ANDERSON COURT ORDER, THIS PROVISION SHALL NOT BE IMPLEMENTED UNTIL A DETERMINATION BY A COURT OF APPROPRIATE JURISDICTION ALLOWS SUCH IMPLEMENTATION.

Relocation Family Grant (RFG) means the maximum amount of aid payable to an AU when no member of the AU has lived in California for 12 consecutive months immediately prior to the date of application.

89-110	MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION (Continued)	89-110
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| .41 | Relocation Family Grant Rule | When the RFG is applicable, the county shall compare and base aid on the lesser of: |
| .411 | CA Computed Grant Amount | The California computed actual grant amount for a full month, excluding overpayment adjustments, or |
| .412 | Other State MAP | The MAP amount of the previous state or U.S. Territory of residence, plus California special needs when included in Section 89-110.411. |
| | (a) | When all members of the AU have not lived in the same prior state, the county shall compare the California computed grant amount to the highest MAP amount of the prior states of residence involved. |
| | (b) | The county shall semi-annually update the other state MAP amounts effective with the April and October payment months with figures provided by the California Department of Social Services which are based upon U.S. Department of Health and Human Services data. |

HANDBOOK BEGINS HERE

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| .42 | Grant Adjustment | Upon determination of the lesser amount of either the California computed actual grant amount or the prior state MAP, the grant will be adjusted for partial month proration, homeless assistance payment and overpayments, as applicable. |
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HANDBOOK ENDS HERE

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| .43 | Reduced Income Supplemental Payment (RISP), Homeless Assistance Payment for Permanent Housing and Overpayment Adjustment Computation | For the purpose of determining the RISP, homeless computing assistance payment for permanent housing, and overpayment adjustments, the MAP specified in Sections 44-402, 44-211.531 and 44-352.41 shall be the lesser of the California MAP or the MAP of the previous state of residence used in the RFG computation. |
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